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USDC SDNY
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DOC #:
DATE FILED FEB 08 2017

February 7, 2017

Via ECF

The Honorable Judge Alison J. Nathan
United States District Court for the Southern District of New York
40 Foley Square, Room 2102
New York, NY 10007

Re: Letter-Motion for Briefing Schedule on Motions to Dismiss

Re: Wiseman v. ING Groep, N.V., et al.
Docket No. 1:16-cv-07587 (AJN)

Your Honor:

I represent the Plaintiff in this action and write to request *nunc pro tunc* an extension of time from January 31, 2017 until February 6, 2017 to file Plaintiff's opposition to the motion to dismiss filed by defendants, ReliaStar Life Insurance Company of New York (RLNY) and Voya Financial Inc. (Voya Financial) (ECF No. 32) and approval of the following briefing schedule for the remaining briefing due with respect to the two pending Motions to Dismiss (ECF Nos. 32 and 39).

Counsel for defendants have indicated that they have no objection to Plaintiff's request for an extension of time *nunc pro tunc*, and consent to the proposed briefing schedule set forth below.

Plaintiff's opposition to the motion to dismiss filed by Voya Financial, Inc. and ReliaStar Life Insurance (ECF No. 32) was due January 31, 2017, but due to an error made by my office in calendaring when it was due, I only filed Plaintiff's opposition yesterday on February 6, 2017. Plaintiff's opposition to the other pending motion to dismiss filed by Defendant ING Groep N.V. (ECF No. 39) is due on February 10, 2017 and Plaintiff will be filing her opposition to that motion on or before February 10, 2017.

Accordingly, ING Groep's reply is currently due February 17, 2017. Voya Financial and RLNY's time to reply based on my filing of Plaintiff's opposition yesterday is now February 13, 2017, but they have requested until February 17, 2017 to file their reply in further support of their pending motion to dismiss. This would

Letter to Hon. Alison J. Nathan

Re: Request for Approval of Briefing Schedule

Wiseman v. ING Groep, N.V., et al., 1:16-cv-07587

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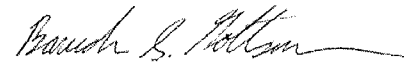
align the briefing on the two pending motions to dismiss so that the pending motions would be fully briefed as of February 17, 2017.

Plaintiff respectfully requests an extension of time *nunc pro tunc* to file her opposition to RLNY and VFI's motion to dismiss, and to approve the following briefing schedule, which has been agreed to by all counsel:

- so ordered
- Plaintiff's request for an extension to time to file her Opposition to Voya/ReliaStar's Motion to Dismiss *nunc pro tunc* to **February 6, 2017**;
 - Plaintiff's Opposition to ING Groep's Motion to Dismiss shall be filed on or before **February 10, 2017**; and
 - RLNY, Voya Financial and/or ING Groep shall file their respective Replies in connection with the pending Motions to Dismiss on or before **February 17, 2017**.

Thank you in advance for your consideration of these requests.

RESPECTFULLY SUBMITTED,



Baruch S. Gottesman, Esq.

Courtesy Copied Via ECF and e-mail to:

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Counsel for Defendants

SO ORDERED:

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

2/8/17